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ACTION HA-08

INFO OCT-00 COPY-01 ADS-00 AID-00 INR-10 EUR-00 SS-00
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TRSE-00 PM-10 PA-01 OMB-01 USIE-00 SP-02 SNP-01
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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 2286
INFO AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
AMEMBASSY LA PAZ
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AMEMBASSY MONTEVIDEO
AMEMBASSY SANTIAGO
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JSCINCLANT NORFOLK VA

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/TPS

Margaret P. Grafeld, Director

☒ Release ☐ Excise ☐ Deny

Exemption(s): _____

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[REDACTED] SECTION 01 OF 02 BUENOS AIRES 05073

CINCSO FOR INTAFF, CINCLANT ALSO FOR POLAD

E.O. 12356: DECL:OADR

PAGS: SHUM, PGOV, AR

SUBJ: HUMAN RIGHTS DEVELOPMENTS IN ARGENTINA

REFS: (A) BUENOS AIRES 4486, (B) 83 BUENOS AIRES 8914

.. (U) BIGNONE TO BE COURT-MARTIALED

THE SUPREME COURT ON JUNE 22 VOTED THREE TO TWO TO
AUTHORIZE THE TRIAL OF FORMER PRESIDENT, AND RETIRED
ARMY MAJOR GENERAL, REYNALDO BIGNONE BY THE SUPREME
COUNCIL OF THE ARMED FORCES IN THE CASE OF THREE
CONSCRIPTS WHO DISAPPEARED IN 1976 WHILE DOING

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MILITARY SERVICE AT THE MILITARY COLLEGE WHILE BIGNONE
WAS ITS DIRECTOR AND NEVER REAPPEARED. BIGNONE'S

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LAWYER HAD REQUESTED MILITARY JURISDICTION IN THIS CASE, BUT HIS REQUEST HAD BEEN REJECTED BY A CIVILIAN TRIAL JUDGE. THAT JUDGE'S DECISION WAS APPEALED AND HAS NOW BEEN OVERRULED BY THE SUPREME COURT, WHICH, ACCORDING TO THE PRESS, TURNED OVER ALL DOCUMENTATION CONCERNING THE BIGNONE CASE TO THE SUPREME COUNCIL OF THE ARMED FORCES ON JUNE 25.

2. [REDACTED] COMMENT: THIS IS AN IMPORTANT DECISION BY THE NEW ALFONSIN-APPOINTED SUPREME COURT. BY RENDERING THIS VERDICT, THE COURT CONFIRMED THE CONSTITUTIONALITY OF THE AMENDMENT TO THE CODE OF MILITARY JUSTICE PASSED BY THE CONGRESS EARLIER THIS YEAR, WHICH PROVIDED FOR MILITARY TRIALS OF ALL MILITARY AND SECURITY PERSONNEL INVOLVED IN CRIMES RELATED TO SUPPRESSION OF SUBVERSION PRIOR TO MID-1982, SUBJECT TO FINAL APPEAL IN CIVIL APPELLATE COURTS. SEVERAL CIVILIAN JUDGES HAD DECLARED THE AMENDMENT WAS UNCONSTITUTIONAL OR NOT APPLICABLE IN THE CASE OF DISAPPEARANCES AND THAT CIVIL COURTS HAD EXCLUSIVE JURISDICTION OVER SUCH CRIMES, WHICH, OF COURSE, WAS EXACTLY WHAT HUMAN-RIGHTS LEADERS HAD BEEN ARGUING FOR MONTHS. NOW, HOWEVER, SUCH CASES WILL BE TRIED IN MILITARY COURTS FIRST BEFORE GOING TO CIVIL APPELLATE COURTS. THIS HAS BEEN PRESIDENT ALFONSIN'S APPROACH FOR OVER A YEAR - EVER SINCE HE PUT TOGETHER HIS CAMPAIGN PLATFORM BEFORE LAST YEAR'S GENERAL ELECTIONS. THUS, THIS SUPREME COURT DECISION VALIDATES HIS LONG-TERM STRATEGY FOR DEALING WITH THIS SENSITIVE ISSUE. END COMMENT.

3. (U) HUMAN-RIGHTS LEADERS HAVE NOT THROWN IN THE TOWEL
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YET, HOWEVER. ON JUNE 26, ACCORDING TO PRESS REPORTS, THE PERMANENT ASSEMBLY FOR HUMAN RIGHTS (APDH) FILED CHARGES IN A CIVIL COURT AGAINST THE MEMBERS OF THE FOUR MILITARY JUNTAS THAT RULED ARGENTINA FROM 1976 TO 1983, AND AGAINST OTHER MILITARY OFFICERS, TOO. THE WRIT CHARGED THE MILITARY OFFICERS WITH REBELLION, TAKING OVER ALL PUBLIC POWER, ASSUMING EXTRAORDINARY PREROGATIVES, FRAUDULENT HANDLING OF PUBLIC FUNDS, MISREPRESENTATION OF FACTS, AND COVERING UP OR SUPPRESSING PUBLIC DOCUMENTS. THE WRIT WAS BASED ON THE TESTIMONY OF 132 PEOPLE CONCERNING 262 "CLANDESTINE DETENTION CENTERS" THAT WERE ALLEGEDLY IN EXISTENCE IN ARGENTINA

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AT VARIOUS TIMES SINCE THE MILITARY COUP OF MARCH 24, 1976. A SPOKESMAN FOR THE APDH WAS QUOTED AS STATING THAT THE JUNE 22 SUPREME COURT DECISION WOULD NOT AFFECT THIS LAWSUIT.

4. (U) IN YET ANOTHER DEVELOPMENT, ALSO ON JUNE 26, THREE FATHERS OF MISSING PERSONS FILED SUIT IN A CIVIL APPEALS COURT ASKING THAT COURT TO TAKE OVER THE ONGOING MILITARY JUDICIAL PROCEEDINGS AGAINST THE NINE MEMBERS OF THE THREE MILITARY JUNTAS THAT RULED ARGENTINA FROM 1976 TO MID-1982. AS REPORTED IN REFERENCE B, PRESIDENT ALFONSIN ASKED THE SUPREME COUNCIL OF THE ARMED FORCES ON DECEMBER 13, 1983, TO TRY THOSE JUNTA MEMBERS FOR HUMAN-RIGHTS VIOLATIONS. THE THREE FATHERS ARGUE THAT MORE THAN SIX MONTHS HAVE PASSED AND THE SLOWNESS OF THE SUPREME COUNCIL OF THE ARMED FORCES IS "NOT ONLY ALARMING BUT ALSO SUSPICIOUS." THE FATHERS ARE BEING HELPED WITH THEIR CASE BY THE CENTER FOR LEGAL AND SOCIAL STUDIES, WHICH TOLD THE PRESS ABOUT THE CASE.

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CINCSO FOR INTAFF, CINCLANT ALSO FOR POLAD

E.O. 12356: DECL:OADR
TAGS: SHUM, PGOV, AR
SUBJ: HUMAN RIGHTS DEVELOPMENTS IN ARGENTINA

5. (U) FORMER PRESIDENT, AND RETIRED ARMY GENERAL, ROBERTO VIOLA WAS QUESTIONED BY A CIVILIAN JUDGE ON JUNE 25 IN CONNECTION WITH THE DISAPPEARANCE IN 1979 OF INDUSTRIAL TECHNOLOGY INSTITUTE EXPERT ALFREDO GIORGI. THE JUDGE THEN ORDERED VIOLA TO BE HELD UNDER ARREST IN AN ARMY CAMP, WHERE HE IS NOW. THUS, THREE OF THE FOUR POST-1976 MILITARY PRESIDENTS (VIOLA, GALTIERI, AND BIGNONE) HAVE BEEN HELD UNDER PREVENTIVE ARREST IN MILITARY CAMPS. ONLY RETIRED

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ARMY GENERAL JORGE VIDELA HAS ESCAPED DETENTION SO FAR, AND THERE ARE CASES AGAINST HIM PENDING IN COURT. BIGNONE WAS RELEASED ON JUNE 28 BY THE SUPREME COUNCIL OF THE ARMED FORCES, BUT HIS COURT-MARTIAL WILL CONTINUE EVEN THOUGH HE IS NO LONGER BEING DETAINED. ORTIZ

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